



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/562,269 Confirmation No.: 7866  
Applicant : Gary E. GILBERT, Jialan SHI, Christian W. HEEGAARD and Jan T. RASMUSSEN  
Filed : February 12, 2007  
Title : METHOD, COMPOSITION AND KIT FOR DETECTING PHOSPHATIDYLSERINE (PS) ON CELL MEMBRANES  
Group Art Unit : 1657  
Examiner : GITOMER, Ralph J.  
Atty. Docket No. : US 1451/05

**DECLARATION OF GARY E. GILBERT, JIALAN SHI, CHRISTIAN W. HEEGAARD AND JAN T. RASMUSSEN UNDER 37 CFR § 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We, Gary E. Gilbert, Jialan Shi, Christian W. Heegaard, and Jan T. Rasmussen, hereby declare and state as follows:

1. We are the sole inventors of the invention(s) disclosed in Provisional Application S.N. 60/483,121, filed June 30, 2003.

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and Jan T. Rasmussen Under 37 CFR §1.132  
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2. We are the sole inventors of the above-captioned application S.N. 10/562,269 (hereinafter "the '269 application"), filed February 12, 2007, which claims priority based on the application identified above in paragraph 1.

3. We are familiar with the Office Action of April 16, 2009, issued by the U.S. Patent and Trademark Office in the '269 application.

4. The undersigned joint-inventors, Jialan Shi and Gary E. Gilbert, are co-authors of the publication, Shi et al. (published April 1, 2003) Lactadherin Inhibits Enzyme Complexes of Blood Coagulation by Competing for Phospholipid Binding Sites. Hemostasis, Thrombosis, and Vascular Biology 101(7)2628-2636, 01 April 2003 (hereinafter "the Shi et al. publication").

5. We are the sole inventors of the subject matter relied on by the Examiner in the Shi et al. publication to reject Claims 1-8, 18-20 and 26-27 under 35 U.S.C. §102(a).

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6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/2/09  
Date

Gary E. Gilbert  
Gary E. Gilbert

9/2/09  
Date

J Shi  
Jialan Shi

27-8-2009  
Date

Christian W. Heegaard  
Christian W. Heegaard

27-08-2009  
Date

Jan T. Rasmussen  
Jan T. Rasmussen